



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/797,688

03/09/2004

Takao Shiibashi

04107/LH

4845

1933 7590 07/16/2007

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC

220 Fifth Avenue

16TH Floor

NEW YORK, NY 10001-7708

EXAMINER

ALLISON, ANDRAE S

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,688

Applicant(s)

SHIIBASHI ET AL.

Examiner

Andrae S. Allison

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/4/2005; 10/4/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because the phrase "with patel identification" in Fig 7, S15 should be replaced with the phrase "with panel identification" because the word panel is misspelled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada (US Patent No.: 6,954,767) in view of Beaulieu et al (Pub No.: US 2002/0091659).

As to independent claim 1, Kanada discloses a medical image photographing system (medical network system with medical image server, see Fig 1) comprising: an information management apparatus (14, medical image server, see Fig 1) for readably holding photographing order information having a patient ID particular to a patient to which a photography of medical images is carried out (examination order information containing patient ID is stored on server 14, see column 17, lines 51-58) and radiographing conditions having radiographic part (note that the examination order information includes the modality of the requested image, see column 17, lines 51-58), and for sending the photographing order information outside according to an inputted command (a diagnostic workstation is used for requesting images, the request is then sent outside to the server 14, see column 14, lines 62-67); a control apparatus (judging means, see Fig 5 and column 18, lines 35-49) for obtaining the photographing order information from the information management apparatus through a communication network (10, see Fig 1); and a portable terminal (15, diagnosis terminal, see Fig 1) for

displaying the photographing order information obtained from the control apparatus on a screen (note the examination order is sent from 15, therefore it can be display the examination order, see column 14, lines 31-38), obtaining the information relating to the particular patient out of the displayed photographing order information (e.g. ID number, see column 17, line 44), obtaining a panel identification information particular to a radiographing panel to be used for photographing a medical image of the patient (modality information, see column 17, lines 51-58), and storing into a memory (17, image archiving apparatus, see Fig 1) the obtained panel identification information made correspondence with the photographing order information (see column 14, lines 21-30).

However, Kanada does not expressly disclose wherein the terminal is portable and wherein the portable terminal has input keys for inputting various commands, and inputs, with input operations by the input keys, a command to display on the screen the photographing order information obtained from the control apparatus, a command to obtain the information relating to the particular patient out of the displayed photographing order information, a command to obtain the panel identification information particular to the radiographing panel to be used for photographing the medical image of the patient, and a command to store into the memory the obtained panel identification information made correspondence with the photographing order information. Beaulieu discloses a portable device (140, see Fig 1) for viewing of medical images ([p][0002], lines 1-3) wherein the portable terminal has input keys for inputting various commands (note that element 140 has many input keys, see Fig 1), and inputs,

with input operations by the input keys, a command to display on the screen the photographing order information obtained from the control apparatus (the portable device includes interactive tools, see [p][0036], lines 7-9), a command to obtain the information relating to the particular patient out of the displayed photographing order information (the interactive tool can retrieve order information such as patient's name or referring physician, see [p][0036], lines 15-18), a command to obtain the panel identification information particular to the radiographing panel to be used for photographing the medical image of the patient (the interactive tool can retrieve can also retrieve modality information, see [p][0036], lines 15-18), and a command to store into the memory the obtained panel identification information made correspondence with the photographing order information (the portable device can also be used for semi-permanent storage, see [p][0036], lines 17-20).). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have combined the teaching of Owen and Eghtesadi to enable a handicapped person and other disabled individuals to control and use photocopiers (column 1, line 31-32).). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modified the medical network of Kanada with the portable device of Beaulieu to enable a medical professional to view medical images on hand held computers thus enabling the medical professional to analyze medical images completely wirelessly and mobile on a personalized hand held computer ([p][0020], lines 1-6).

As to independent claim 2, all the limitations are discussed above except “wherein the portable terminal has an input unit capable of being held”. Kanada does not expressly disclose wherein the portable terminal has an input unit capable of being held. Beaulieu discloses a portable device (140, see Fig 1) that has an input unit capable of being held (note that the portable device is capable of held, see Fig 1). Thus combining Kanada with Beaulieu would meet the claim limitation for the same reasons as discussed with respect to claim 1 above.

4. Claims 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada (US Patent No.: 6,954,767) in view of Beaulieu et al (Pub No.: US 2002/0091659) further in view of Ying et al (Pub No.: 2005/0065822).

As to claim 3, neither Kanada or Beaulieu teach wherein the portable terminal displays the photographing order information on the screen so as to scroll the display according to a command inputted by the input unit capable of being held and inputting with one hand. Ying discloses a system for content delivery through mobile terminal for medical providers (see title) wherein the portable terminal displays the photographing order information on the screen so as to scroll the display according to a command inputted by the input unit capable of being held and inputting with one hand (Fig 7 shows the scroll buttons for the mobile device). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modified the medical network of Kanada as modified by Beaulieu to include the system of a Ying to enhance patient care by providing medical providers with accurate, up to date, easily accessible

information about patients in their care presented in an ergonomic and intuitive manner ([p][0010], lines 1-5) on a portable device such as a PDA ([p][0011], lines 1-2)

As to claim 4, note the discussion above, Beaulieu teaches the system, wherein the portable terminal exchanges the content displayed on the screen according to a command inputted by the input unit capable of being held and inputting with one hand ([p][0029], lines 1-5).

As to claim 5, note the discussion above, Ying teaches the system, wherein the portable terminal deletes the obtained photographing order information from the memory according to a command inputted by the input unit capable of being held and inputting with one hand (note the portable device includes an eraser button, see [p][0058], lines 4-6).

As to claim 6, note the discussion above, Ying teaches the system, wherein the portable terminal further comprises an input unit for reading the panel identification information from the radiographing panel (64, data entry field, see Fig 2).

As to claim 7, note the discussion above, Ying teaches the system, wherein the portable terminal sends to the control apparatus the photographing order information made correspondence with the panel identification information, and erases from the memory the photographing order information already sent to the control apparatus (note

Art Unit: 2624

the portable device includes an eraser button, see [p][0058], lines 4-6).

As to claims 8-9, neither Kanada, Beaulieu or Ying wherein the portable terminal further has a strap capable of being hung with the terminal held and wherein the portable terminal further comprises other operational input member than the input unit capable of being held and inputting with one hand, and the operational input member can be set to invalid inputting. However, it would have obvious to have included a strap and an operational input member than the input unit capable of being held and inputting with one hand, and the operational input member can be set to invalid inputting so that the portable unit is capable of being hung from the neck or hand and set to an inactive mode by the operational member to prevent data from being inadvertently inputted into the portable unit (OFFICIAL NOTICE).

As to independent claim 10, all the limitations are discussed above except a content having an input screen for inputting a panel identification information particular to a radiographing panel for use in the medical photography with respect to the patient ID which is inputted and selected, selectively inputs the patient ID and inputs the panel identification information through each two input screens. Neither Kanada or Beaulieu teach a content having an input screen for inputting a panel identification information particular to a radiographing panel for use in the medical photography with respect to the patient ID which is inputted and selected, selectively inputs the patient ID and inputs the panel identification information through each two input screens. Ying discloses a

Art Unit: 2624

system for content delivery through mobile terminal for medical providers (see title) having a content having an input screen for inputting a panel identification information particular to a radiographing panel for use in the medical photography with respect to the patient ID which is inputted and selected, selectively inputs the patient ID and inputs the panel identification information through each two input screens (see [p][0058], where the portable system includes multiple screens). Thus combining Kanada as modified by Beaulieu with Ying would meet the claim limitation for the same reasons as discussed with respect to claim 3 above.

As to claim 11, note the discussion above, Ying teaches the system, wherein the portable terminal can transit the screen between two screens (see [p][0058], lines 9-1, where a user can switch between screens).

As to claim 12, note the discussion above, Ying teaches the system, wherein the portable terminal displays as a reference screen the input screen for selectively inputting the particular patient ID out of the patient IDs (note that display 52 includes patient's ID, see Fig 2).

As to claim 13, note the discussion above, Ying teaches the system, wherein the portable terminal scrollably displays two screens in a longitudinal direction and/or a lateral direction (see Fig 7, where the scroll buttons includes longitudinal and lateral directions).

Conclusion

The prior art made part of the record and not relied upon is considered pertinent to applicant's disclosure.

Venelli (Pub. No. US 2002/0103675) is cited to teach an apparatus and method and for providing consolidated medical information.

Rothschild et al (US Patent No.: 6,678,703) is cited to teach a medical image management system and method.

Nakagawa et al (US Patent No.: 7,197,529) is cited to teach a network system for radio graphing radiation-images.

Toda (Pub. No. US 2002/01311628) is cited to teach a medical image generating apparatus.

Funahashi (Pub. No. US 2002/0081039) is cited to teach an image management system and method.

Takeo (US Patent No.: 6,289,115) is cited to teach medical network system.

Inquires

. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrae S. Allison whose telephone number is (571) 270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am - 5:00 +- pm, EST.

Art Unit: 2624

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571) 272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrae Allison

July 6, 2007

A.A.


BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600